

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 19, 2002
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 12, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting dated March 12, 2002. Campbell, Hudkins, Workman and Heier voted aye. Stevens abstained from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 8 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Heier moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Catholic Social Services
Cedars Youth Services
City Impact
Cornerstone Baptist Church
Developmental Services of Nebraska, Inc. (3 exemptions)
Tabitha Inc.

Campbell requested that the application for a motor vehicle tax exemption from City Impact be held one week to allow for additional review.

MOTION: Campbell moved and Heier seconded to hold an application for a motor vehicle tax exemption for City Impact for one week to allow for additional review. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

MOTION: Heier moved and Hudkins seconded approval of motor vehicle tax exemptions for Catholic Social Services, Cedars Youth Services, Cornerstone Baptist Church, Developmental Services of Nebraska, Inc. and Tabitha, Inc. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

Bob VanValkenburg, 7921 Reno Road, appeared and indicated he had concerns regarding items on the Board of Equalization agenda.

The Chair recessed the Board of Equalization meeting until 2:37 p.m. when it was reconvened.

4) **DENIAL OF 2002 451 TAX EXEMPTIONS ON REAL PROPERTY PER EXHIBIT B:**

Wyuka Cemetery - Exemption 636D

Mike Hutchinson, Chief Executive Officer of Wyuka Cemetery, explained that Wyuka Cemetery is a State entity and a not for profit public charitable corporation. He added that part of their charter is to bury indigents, orphans and widows.

Bill Olson, attorney for Wyuka Cemetery, gave a brief history of the funeral home and stated the argument is whether the funeral home activities are a part of Wyuka's exempt purposes under the statute and under case law. He stated he believes the operation of the funeral home is part of the exempt purposes under Neb. Rev. Stat. §12-101. Olson referred to Nebraska Supreme Court case Speidell Monuments, Inc. and W.J. Trump Memorials vs Wyuka Cemetery and explained that Speidell Monuments and W.J. Trump Memorials sued Wyuka to determine whether Wyuka could sell monuments and markers. The Nebraska Supreme Court held that the sale of monuments and markers were so closely akin to the purposes of a cemetery that it was an allowable purpose. Olson stated that, based on the Speidell case, the purposes of Wyuka do extend, as the implied purpose, into the operation of a funeral home.

Mike Thew, Deputy County Attorney, discussed what the authority of an organization, such as Wyuka Cemetery, was to carry on a proprietary function. He stated that the law of the State of Nebraska was fairly clear that municipal corporations do have the authority to carry on proprietary functions; counties do not. Thew stated the question is whether a public charitable corporation is more akin to a municipality or more akin to a county.

Thew further stated the Constitution was amended in 1998 to provide that the property of the State and its governmental subdivisions which are not used for a governmental purpose is subject to tax. He stated the County is taxing a number of pieces of property owned by the State and its political subdivisions that are being used for proprietary purposes; primarily property which is leased out. Thew explained that the rationale which underlies the shift in the law is that it is not fair for the taxpayers who are in the same business to compete with governments or businesses who don't have to pay taxes on their real property. He stated all other funeral homes in Lincoln pay taxes on their funeral homes.

VanValkenburg stated there are numerous cases to stand on the side of Wyuka Cemetery.

Malone Community Center - Exemption 76C and 76D

Wright P. Robinson, representing Malone Community Center, appeared and distributed a map entitled *Radial Reuse - Malone Study Area Redevelopment Plan* (Exhibit B) and referred to two vacant lots.

Norm Agena, County Assessor, explained that the two vacant lots were not within the fenced area of the Malone Community Center. He explained that in order to obtain an exempt status the two properties need to be used by the Center other than vacant lots.

Robinson asked if the matter would be corrected if they fenced in the two lots.

Agena responded yes. He stated if they get the lots fenced in, the Center would have until August 1st to reapply for exemption.

World War II Library & Museum - Exemption 592

Joe Meehan, representing the WWII Library & Museum, appeared and explained he had been collecting property for 55 years.

Agena stated the problem is that the property is owned by Mr. Meehan and is not in the museum's name. He explained that if Mr. Meehan would put the property in the museum's name he could then receive an exemption for 2003.

Wyuka Cemetery - Exemption 636D

MOTION: Hudkins moved and Heier seconded to hold the exemption for Wyuka Cemetery for one week to allow for additional review. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

Stevens requested that People's City Mission (Exemptions 289C, 289E and 289F) be voted on separately because he is a member of the Board of Directors.

MOTION: Campbell moved and Heier seconded to accept the County Assessor's recommendation and deny the 2002 451 tax exemptions on real property for Clyde Malone Community Center (Exemptions 76C and 76D), Faith Evangelical Lutheran Church & School (Exemption 144C), Star City Optimist Youth Foundation (Exemption 581) and WWII Library & Museum (Exemption 592). Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

People's City Mission - Exemptions 289C, 289E and 289F

MOTION: Heier moved and Campbell seconded to accept the County Assessor's recommendation and deny the 2002 451 tax exemptions on real property for People's City Mission (Exemptions 289C, 289E and 289F). Hudkins, Heier, Workman and Campbell voted aye. Stevens abstained from voting. Motion carried.

5) **DENIAL OF 2002 451A TAX EXEMPTIONS ON REAL PROPERTY PER EXHIBIT C:**

Agena requested the exemption for Community Blood Bank be held for two weeks.

MOTION: Campbell moved and Hudkins seconded to accept the County Assessor's recommendation and deny the 2002 451A tax exemptions on real property for BryanLGH Medical Center (Exemption 38A), Catholic Bishop of Lincoln, Inc. (Exemption 50F), Nebraska Conference of Seventh Day Adventist (Exemption 263I) and St. Mark's United Methodist Church (Exemption 361G) and to hold the exemption for the Community Blood Bank (Exemption 80A) for two weeks. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **APPROVAL OF 2002 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT D:**

Agena requested the exemption for Cheney Cemetery Association (Exemption 605B) be withdrawn from the 2002 451 approved tax exemptions (Exhibit D) because the notice which was published exempted cemetery property. He further stated that Cheney Cemetery Association need only to apply once every ten years.

MOTION: Campbell moved and Stevens seconded to accept the County Assessor's recommendation to approve the 2002 451 tax exemptions on real and personal property per Exhibit D with the exception of Cheney Cemetery Association which was withdrawn. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **APPROVAL OF 2002 PARTIAL 451 TAX EXEMPTIONS ON REAL PROPERTY PER EXHIBIT E:**

Stevens requested that the exemption for People's City Mission be voted on separately because he sits on the Board of Directors.

MOTION: Campbell moved and Hudkins seconded to accept the County Assessor's recommendation and approve the following 2002 partial 451 tax exemptions on real property: BryanLGH Medical Center (Exemption 481C), Carmel of Jesus, Mary & Joseph (Exemption 560), Prairie Hill Learning Center (Exemption 294B) and United Presbyterian Welfare Foundation, Inc. (Exemption 385). Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

People's City Mission - Exemption 289D

MOTION: Campbell moved and Heier seconded to accept the County Assessor's recommendation and approve the 2002 partial 451 tax exemption on real property for People's City Mission. Workman, Campbell, Hudkins and Heier voted aye. Stevens abstained from voting. Motion carried.

RECONSIDERATION OF MOTION FOR A MOTOR VEHICLE TAX EXEMPTION FOR CITY IMPACT:

MOTION: Campbell moved and Hudkins seconded to reconsider the County Board's previous action to hold a motor vehicle tax exemption for City Impact. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

Campbell noted that the County Assessor had reviewed the file for City Impact and that they do qualify for exemption.

MOTION: Campbell moved and Stevens seconded approval of a motor vehicle tax exemption for City Impact. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

Agena addressed one of the concerns expressed by Mr. VanValkenburg regarding applicants' signatures on 451A tax exemption forms which are not notarized. He explained that many of the organizations bring the forms into the Assessor's Office and sign them in front of one of his staff, however, the forms received through the mail are notarized. He stated the County Attorney's Office had informed him, approximately twelve years ago, that if an applicant signed the form in his office, as County officials, the signature would not need to be notarized. Agena stated that was the reason some forms are notarized and some are not.

8) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization was adjourned at 4:22 p.m.

Bruce Medcalf
County Clerk

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The Board of Commissioners meeting was convened at 1:37 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 12, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Campbell seconded approval of the minutes of the Board of Commissioners meeting dated March 12, 2002. Campbell, Hudkins, Heier and Workman voted aye. Stevens abstained from voting. Motion carried.

- 2) **CLAIMS FOR REVIEW:**

A. PV 693352291, dated March 11, 2002, payable to Brown Bagger Company, in the amount of \$460.90; PV 693352293, dated March 11, 2002, payable to Doug Ahlberg, in the amount of \$51.20 and PV693352292, dated March 11, 2002, payable to Hy-Vee, in the amount of \$80.82. These payments were for a joint training exercise with the Department of Justice, Domestic Preparedness. Approval is requested in accordance with Resolution 02-13.

2) **CLAIMS FOR REVIEW CONTINUED:**

Doug Ahlberg, Emergency Management Director, appeared and explained that the vouchers submitted to the County Clerk's Office were for payment of items provided to 120 participants of a joint practical tabletop exercise in conjunction with the Department of Justice. He stated one of the criteria required by the Department of Justice is to have a working lunch so individuals remained for the entire event.

David Johnson, Deputy County Attorney, indicated that Ahlberg consulted with his office regarding the matter. He said the payment for the services to the Federal government was for the provision of lunch. He added that the training was to aid not only County employees attending, but also those entities in local government and citizenry that would be essential to an emergency situation.

MOTION: Campbell moved and Heier seconded approval of PV 693352291, dated March 11, 2002, payable to Brown Bagger Company, in the amount of \$460.90; PV 693352293, dated March 11, 2002, payable to Doug Ahlberg, in the amount of \$51.20 and PV693352292, dated March 11, 2002, payable to Hy-Vee, in the amount of \$80.82. These payments were for a joint training exercise with the Department of Justice, Domestic Preparedness. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **CLAIMS: Approval of all claims processed through Tuesday, March 19, 2002.**

MOTION: Heier moved and Hudkins seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **SPECIAL PRESENTATIONS:**

A. Report on Biological Terrorism Tabletop Exercise - Doug Ahlberg, Emergency Management Director

Ahlberg stated eight objectives were identified as a result of the tabletop exercise and that he would be receiving an after action report from the Department of Justice regarding how well the community participated, how well they took the appropriate steps and whether they met all of the goals they established for the exercise. Ahlberg also stated that Lincoln and Lancaster County have been selected as one of the 120 communities throughout the United States to receive federal funding, in the approximate amount of \$880,000, from the Department of Defense, Department of Justice and the Department of Health and Human Services.

4) **SPECIAL PRESENTATIONS CONTINUED:**

Most the money, he said, would be used for decontamination facilities, monitoring and detection equipment and for personal protective equipment for the first responders.

5) **PUBLIC HEARINGS:**

A. Continuation of a public hearing regarding County Final Plat 01036, Prairie Vista, requested by Lyle Loth of ESP on behalf of Andrew and Tamera Ingwerson, for six lots on property generally located south of North 176th Street and Fletcher Avenue in Lancaster County, Nebraska. (Continued from February 26, 2002.)

The Chair reconvened the public hearing and asked if anyone wished to testify.

Andrew Ingwerson, applicant, appeared and requested that the hearing be continued for an additional four weeks to obtain the signature of their mortgage company in Des Moines, Iowa.

Campbell suggested that the hearing be closed and the final plat be placed on pending until all documentation can be presented to the County Board.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Campbell moved and Heier seconded to place County Final Plat 01036, Prairie Vista, on pending until proper documentation can be presented to the County Board. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

B. Continuation of a public hearing regarding County Special Permit 190, Deer Trail Community Unit Plan (formerly known as Deer Field Community Unit Plan), requested by Brian D. Carstens and Associates on behalf of Robert D. Doolittle, consisting of five single family acreage lots, on property generally located at Highway 77 and Martell Road in Lancaster County, Nebraska. (Continued from March 12, 2002.)

5) **PUBLIC HEARINGS CONTINUED:**

C. Continuation of a public hearing regarding County Preliminary Plat 01018, Deer Trail (formerly known as Deer Field), requested by Brian D. Carstens and Associates on behalf of Robert D. Doolittle, consisting of five single family acreage lots, on property generally located at Highway 77 and Martell Road in Lancaster County, Nebraska. (Continued from March 12, 2002.)

The Chair reconvened the public hearing and asked if anyone wished to testify in favor of the proposal.

Brian Carstens, appearing on behalf of Robert Doolittle, stated they are proposing five, three-acre lots. He stated the road would be a private graveled roadway and each lot would have a private septic and well system. Carstens indicated there had been publicity regarding the prairie to the south and that they have provided for a 100 foot rearyard setback along the southern property line to act as a buffer. A map was displayed by Carstens who referred to an easement that the Lower Platte South Natural Resources District (NRD) has with the Beatties which allows them to build three new home sites on the prairie.

Heier asked Carstens if he would object to a motion deleting the smoke easement.

Carstens responded no.

Heier expressed concern that the Board would be setting a precedent by allowing the smoke easement.

In response to a question asked by Campbell regarding notification of a burn of the prairie, Carstens stated they usually include language in the plan that farming uses would occur. He added that they had offered to include language in the Community Unit Plan (C.U.P.) regarding notification of an existing prairie and that burns would occur as a management tool.

Campbell stated she was concerned that there be some type of notification to buyers that nearby a requirement has been placed that a burn of the prairie will take place.

Carstens noted that they could include language in the subdivision agreement and the protective covenants if the County Board chose to delete the smoke easement.

Campbell stated she would feel more comfortable in continuing the practice of placing conditions on Special Permits rather than easements.

5) **PUBLIC HEARINGS CONTINUED:**

Bruce Kennedy, Malcolm, Nebraska and Director of the Lower Platte South NRD, appeared and noted that he is also a representative for the Lancaster County Ecological Advisory Committee. He stated that the Parks, Forestry and Wildlife Subcommittee of the NRD voted to recommend to the NRD Board that the application be denied because of the hardship placed on them regarding burning of the prairie, however, the recommendation was later amended to provide testimony at the County Board hearing.

Dan Schultz, Resources Coordinator of the Lower Platte South NRD, appeared and testified that the District was not a proponent or opponent of the Special Permit, however, they wanted to provide information regarding the conservation easements. He stated in April, 1999 three conservation easements were recorded on 226 acres of virgin prairie and woodlands. Schultz stated one of the management tools to be utilized by the District is prescribed fire which would occur every three to five years. Without prescribed burning, he said, the District wouldn't be able to properly manage the prairies. He added that the District would like to request an additional amendment to the Special Permit that the smoke easement be filed and recorded by the developer prior to the County Board approving the final plat.

In response to a question asked by Heier, Schultz responded that none of the prairie had been farmed or tilled. He added that part of the prairie on the Schmutte conservation easement was an old covered wagon trail for traders.

The following individuals appeared in opposition of the Special Permit and Preliminary Plat and addressed concerns regarding trespassing on private property, wildlife, privacy, loss of plant species, invasion of weeds and non-native plants:

- ▶ Betty Lou Craft, 18400 South 12th Street
- ▶ Ken Reitan, 2310 South Canterbury Lane
- ▶ Bruce Kennedy, 9200 West Fletcher Street, Malcolm, NE, representing the Lancaster County Ecological Advisory Committee

David Johnson, Deputy County Attorney, requested that a faxed letter to the County Board from Thomas D. Malmstrom, Chair of the Lancaster County Ecological Advisory Committee, be made a part of the record (Exhibit A).

Scott Holmes, Division Chief of Environmental Health with the Lincoln-Lancaster County Health Department, appeared to clarify that the health codes relative to air pollution protect the public's health. He explained that even if there were no conservation easements or smoke easements in place, individuals would continue to have protection under the law.

5) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Stevens regarding burn permits, Holmes stated if there is a structure within 100 yards of an area to be burnt, a permit would be required.

Stevens asked if there was a notification requirement to surrounding landowners.

Holmes stated notification could be incorporated into the permit issued. He also stated fire districts vary in what they require for notification.

Hudkins clarified that there would have to be a burn permit with the local fire department.

The Chair asked if anyone else wished to testify.

Campbell stated she would like the County Attorney's opinion to include the definition of an easement and also the definition of a condition.

No one else appeared to testify and the hearing was closed.

MOTION: Heier moved and Hudkins seconded approval of County Special Permit 190, Deer Trail Community Unit Plan, and County Preliminary Plat 01018, requested by Brian D. Carstens and Associates on behalf of Robert D. Doolittle, consisting of five single family acreage lots on property generally located at Highway 77 and Martell Road in Lancaster County, Nebraska with the deletion of the smoke easement.

Campbell stated she would not be voting in favor of the approval because she would like to review the County Attorney's opinion prior to the County Board taking action.

Stevens concurred.

ROLL CALL: Heier, Workman and Hudkins voted aye. Campbell and Stevens voted no. Motion carried.

6) **NEW BUSINESS:**

- A. An application for a Special Designated License from Ken's Liquor, Inc. to cater a wedding reception on Saturday, April 20, 2002 from 4 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street.**

MOTION: Campbell moved and Heier seconded approval. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- B. An agreement between the Lancaster County Community Mental Health Center and the Nebraska Department of Health and Human Services for cessation of smoking and other related services for Tobacco Free Nebraska. The County will receive a \$5,000 grant for these services. (C-02-100)**

MOTION: Heier moved and Stevens seconded approval of an agreement between the Lancaster County Community Mental Health Center and the Nebraska Department of Health and Human Services. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

- C. A contract between the Lancaster County Engineering Department and Minchow Construction, Inc. for grading construction on County Project 02-34 generally located on West Denton Road from Southwest 142nd Street to Southwest 100th Street and South 54th Street from Roca Road to Saltillo Road. The County will pay \$221,064.59 for the services. The work will commence on or before April 1, 2002 and be completed by July 28, 2002. (C-02-101)**

MOTION: Hudkins moved and Stevens seconded approval of a contract with Minchow Construction, Inc.

Hudkins stated he was contacted by Minchow Construction who expressed concern regarding the term of the agreement. He explained that Minchow Construction is ready to begin work April 1st, however, Alltel contacted them indicating they need to move telephone lines in the areas where Minchow will be working and that they are unable to move those lines until the middle of May or the 1st of June.

Johnson stated that the County Board could hold the contract for further clarification.

Both the maker of the motion and the seconder agreed to rescind the motion.

By direction of the Chair, the contract with Minchow Construction, Inc. was held.

6) NEW BUSINESS CONTINUED:

D. An agreement with the Lincoln-Lancaster County Railroad Transportation Safety District for construction plans for the South 68th Street viaduct and right-of-way acquisition for the Firth viaduct. The County will be reimbursed for its services estimated at \$265,000. The agreement term shall be from the date of execution for three years thereafter. (C-02-102)

MOTION: Campbell moved and Heier seconded approval of an agreement with the Lincoln-Lancaster County Railroad Transportation Safety District. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

E. An interlocal agreement with the Lincoln-Lancaster County Railroad Transportation Safety District for construction related to the Firth viaduct to improve traffic and reduce traffic accidents. The work is under Project C55-X-402(5) and the term of the agreement is from the date of execution until three years thereafter. The County will be paid up to \$2,326,000 for the construction. (C-02-103)

MOTION: Hudkins moved and Stevens seconded approval of an interlocal agreement with the Lincoln-Lancaster County Railroad Transportation Safety District. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

F. An agreement with the City of Lincoln and Marsh USA, Inc. to have Marsh provide services and expertise in obtaining proposals for the County and the City employee benefit programs regarding insurance for employee medical coverage. The term of the agreement is March, 2002 through and including November, 2002. Total cost of services is \$28,000. The County will pay \$9,333. (C-02-104)

MOTION: Heier moved and Campbell seconded approval of an agreement with the City of Lincoln and Marsh USA, Inc. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

G. An amendment to an agreement with S & V Homebuilders to extend the term of the agreement to October 31, 2003. The agreement is for rental space at 315 South 9th Street, Suite 201. All others terms and conditions shall remain in effect. (C-02-105)

MOTION: Heier moved and Hudkins seconded approval of an amendment to agreement with S & V Homebuilders. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

H. An easement granted by 134th and "O" Street Partnership and Birdie Creek L.L.C. to Lancaster County, Alltel, Time Warner Entertainment-Advance/Newhouse, Peoples Natural Gas and Norris Public Power District for one dollar for poles, wires and other related fixtures at the following location: (C-02-106)

- ▶ The 10 feet of Outlot "A", Crooked Creek Addition, lying north of and parallel with the north line of Lot 1, Crooked Creek Addition
- ▶ The south 5 feet of Lot 11, Crooked Creek Addition, except the west 18.50 feet and the east 10 feet
- ▶ The north 5 feet of Lot 12, Crooked Creek Addition, except the west 18.50 feet and the east 10 feet
- ▶ The south 5 feet of Lot 13, Crooked Creek Addition, except the west 18.50 feet and the east 10 feet
- ▶ The north 5 feet of Lot 14, crooked Creek Addition, except the west 18.50 feet and the east 10 feet
- ▶ The south 5 feet of Lot 15, Crooked Creek Addition, except the west 18.50 feet and the east 10 feet
- ▶ The east 5 feet of Lot 16, Crooked Creek Addition, except the north 18.50 feet and the south 10 feet
- ▶ The west 5 feet of Lot 33, Crooked Creek Addition, except the north 18.50 feet and the south 10 feet
- ▶ The east 5 feet of Lot 34, Crooked Creek Addition, except the north 18.50 feet and the south 10 feet

MOTION: Heier moved and Stevens seconded approval. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

I. Partial release of unneeded easements released by Lancaster County, Alltel, Norris Public Power, Peoples Natural Gas and Time Warner Entertainment-Advance/Newhouse for property that was originally granted in the final plat of Crooked Creek Addition. The partial release is for the platted utility easements described as follows: (C-02-107)

- ▶ The south 5 feet of Lot 10, Crooked Creek Addition, except the west 18.50 feet and the east 10 feet
- ▶ The north 5 feet of Lot 11, Crooked Creek Addition, except the west 18.50 feet and the east 10 feet
- ▶ The south 5 feet of Lot 12, Crooked Creek Addition, except the west 18.50 feet and the east 10 feet
- ▶ The north 5 feet of Lot 13, Crooked Creek Addition, except the west 18.50 feet and the east 10 feet
- ▶ The south 5 feet of Lot 14, Crooked Creek Addition, except the west 18.50 feet and the east 10 feet
- ▶ The north 5 feet of Lot 15, Crooked Creek Addition, except the west 18.50 feet and the east 10 feet
- ▶ The west 5 feet of Lot 32, Crooked Creek Addition, except the north 18.50 feet and the south 10 feet

MOTION: Hudkins moved and Heier seconded approval. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

J. A resolution authorizing the following traffic signs in Lancaster County, Nebraska: (R-02-25)

- ▶ Installation of 20 mile per hour speed advisory plates for northbound and southbound traffic on the existing reverse turn signs located approximately one-quarter mile north of Pioneers Boulevard on South 1st Street.
- ▶ Installation of 25 mile per hour speed advisory plates for northbound and southbound traffic on existing reverse curve signs, which are located south of Calvert Street on South 1st Street. Also at this location existing Chevron signs will be replaced with a large arrow sign for northbound traffic.
- ▶ Installation of hazard warning signs at drainage structure A-88 located on North 148th Street approximately one-quarter mile south of Little Salt Road and A-272 located on North 148th Street approximately one-quarter mile north of Rock Creek Road.

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Campbell seconded approval of Resolution 02-25. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

K. Recommendation from the Purchasing Agent and the County Records Manager to award a bid for one Diazo roll film duplicator, including trade-in allowance on old County equipment, to Modern Office Methods, in the amount of \$17,989. (B-02-14)

MOTION: Heier moved and Hudkins seconded approval. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

L. Reappointment of Dr. Dale Michels to the Emergency Medical Services, Inc. Board of Directors, commencing March 29, 2002 and ending March 28, 2005.

MOTION: Heier moved and Hudkins seconded approval. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. **Noxious Weed Control Authority's Monthly Report for February, 2002.**
2. **Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for February, 2002.**

B. A request from Tracy D. Ross, an employee in the Sheriff's Office, to voluntarily participate in the Lancaster County Retirement Plan.

7) **CONSENT ITEMS CONTINUED:**

C. Leasehold contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ Mick Minchow, in the amount of \$10, north on North 112th and Adams Streets; Project C.P.J-121. (C-02-108)
- ▶ Kathleen Egger, in the amount of \$10, near West Pella Road and Southwest 58th Street; Project C.P.V-164. (C-02-109)

D. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ AGR Inc., in the total amount of \$302.75, north on North 112th and Adams Streets; Project C.P.J 1-121. (2 contracts) (C-02-110 and C-02-111)
- ▶ Everett and Ruth Luhrs, in the amount of \$343.50, on West Pella Road and Southwest 58th Street; Project C.P. V-164. (C-02-112)
- ▶ Charles and Henrietta Holdsworth, in the amount of \$405.96, at 24707 South 68th Street; Project C.P.X-163. (C-02-113)

MOTION: Heier moved and Campbell seconded approval of the Consent Items. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

8) **OTHER BUSINESS:**

VanValkenburg expressed concern regarding property not listed on the tax rolls and requested that the County Board reconsider their previous action taken on March 5, 2002 regarding 451A tax exemptions on real and personal property for 2002.

9) **EXECUTIVE SESSION REGARDING POTENTIAL LITIGATION:**

MOTION: At 4:22 p.m. Campbell moved and Hudkins seconded to enter into executive session for the purpose of discussing potential litigation. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

MOTION: At 4:29 p.m. Campbell moved and Heier seconded to exit executive session. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

10) **ADJOURNMENT:**

MOTION: At 4:30 p.m. Campbell moved and Hudkins seconded adjournment of the Board of Commissioners meeting. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk